



General Assembly

February Session, 2014

Raised Bill No. 64

LCO No. 351



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING AMENDMENTS TO THE DEPARTMENT OF
LABOR STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) On or before October 1,
2 2014, and annually thereafter, the Connecticut Employment and
3 Training Commission shall submit to the Office of Policy and
4 Management and the joint standing committees of the General
5 Assembly having cognizance of matters relating to employment and
6 training a report card of each program emphasizing employment
7 placement included in the commission's annual inventory. The report
8 card shall, at a minimum, identify for each program the cost, number
9 of individuals entering the program, number of individuals
10 satisfactorily completing the program and the employment placement
11 rates of those individuals at thirteen and twenty-six-week intervals
12 following completion of the program or a statement as to why such
13 measure is not relevant.

14 Sec. 2. Section 4-66e of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective from passage*):

16 (a) For purposes of this section, "self-sufficiency measurement"
17 means a calculation of the income an employed adult may need to
18 meet family needs, including, but not limited to, housing, food, day
19 care, transportation and medical costs.

20 (b) Not later than January 1, 1999, the Office of Policy and
21 Management shall contract with a private vendor to develop a self-
22 sufficiency measurement by October 1, 1999. This measurement shall
23 take into account geographical variations in costs and the age and
24 number of children in the family. The value of any state or federal
25 public assistance benefit received by a recipient of temporary family
26 assistance shall be calculated into such recipient's self-sufficiency
27 measurement.

28 (c) Not later than October 31, 1999, the Office of Policy and
29 Management shall distribute the self-sufficiency measurement to all
30 state agencies that counsel individuals who are seeking education,
31 training or employment. Effective October 31, 1999, the Office of Policy
32 and Management may also distribute the self-sufficiency measurement
33 to any other entity that requests such measurement. Such state
34 agencies and other entities may use the self-sufficiency measurement
35 to assist and guide individuals who are seeking education, training or
36 employment in establishing personal financial goals and estimating the
37 amount of income such individuals may need to support their families.

38 [(d) Not later than January 1, 2003, and every three years thereafter,
39 the Office of Workforce Competitiveness, in consultation with the
40 Office of Policy and Management, and within existing budgetary
41 resources, shall update the self-sufficiency measurement developed
42 pursuant to subsection (b) of this section, and shall distribute the
43 updated self-sufficiency measurement to all state agencies that counsel
44 individuals who are seeking education, training or employment.
45 Effective January 1, 2003, the Office of Workforce Competitiveness
46 may also distribute the updated self-sufficiency measurement to any
47 other entity that requests such measurement. Such state agencies and

48 other entities may use the updated self-sufficiency measurement to
49 assist and guide individuals who are seeking education, training or
50 employment in establishing personal financial goals and estimating the
51 amount of income such individuals may need to support their
52 families.]

53 [(e)] (d) The self-sufficiency measurement shall not be used to: (1)
54 Analyze the success or failure of any program; (2) determine or
55 establish eligibility or benefit levels for any state or federal public
56 assistance program, including, but not limited to, temporary family
57 assistance, child care assistance, medical assistance, state administered
58 general assistance, supplemental nutrition assistance or eligibility for
59 the HUSKY plan; (3) determine whether a person subject to time-
60 limited benefits under the temporary family assistance program
61 qualifies for an extension of benefits under such program; or (4)
62 supplement the amount of benefits awarded under the temporary
63 family assistance program.

64 Sec. 3. Section 31-2d of the 2014 supplement to the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective from*
66 *passage*):

67 Any order or regulation of the Office of Workforce Competitiveness
68 affecting the functions, powers, duties and obligations set forth in this
69 section and sections 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh,
70 4-124tt [, 4-124uu] and 4-124vv which is in force on July 1, 2011, shall
71 continue in force and effect as an order or regulation of the Labor
72 Department until amended, repealed or superseded pursuant to law.
73 Where any orders or regulations of said office and said department
74 conflict, the Labor Commissioner may implement policies and
75 procedures consistent with the provisions of this section and sections
76 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh, 4-124tt, [4-124uu,] 4-
77 124vv, 10-95h, 10a-11b, 10a-19d, 31-3h, as amended by this act, and 31-
78 3k while in the process of adopting the policy or procedure in
79 regulation form, provided notice of intention to adopt regulations is

80 printed in the Connecticut Law Journal not later than twenty days after
81 implementation. The policy or procedure shall be valid until the time
82 final regulations are effective.

83 Sec. 4. Subsection (b) of section 31-3h of the general statutes is
84 repealed and the following is substituted in lieu thereof (*Effective from*
85 *passage*):

86 (b) The duties and responsibilities of the commission shall include:

87 (1) Carrying out the duties and responsibilities of a state job training
88 coordinating council pursuant to the federal Job Training Partnership
89 Act, 29 USC 1532, as amended, a state human resource investment
90 council pursuant to 29 USC 1501 et seq., as amended, and such other
91 related entities as the Governor may direct;

92 (2) Reviewing all employment and training programs in the state to
93 determine their success in leading to and obtaining the goal of
94 economic self-sufficiency and to determine if such programs are
95 serving the needs of Connecticut's workers, employers and economy;

96 [(3) Developing a plan for the coordination of all employment and
97 training programs in the state to avoid duplication and to promote the
98 delivery of comprehensive, individualized employment and training
99 services. The plan shall contain the commission's recommendations for
100 policies and procedures to enhance the coordination and collaboration
101 of all such programs and shall be submitted on June 1, 2000, and
102 annually thereafter, to the Governor for the Governor's approval;]

103 [(4)] (3) Reviewing and commenting on all employment and
104 training programs enacted by the General Assembly;

105 [(5)] (4) Implementing the federal Workforce Investment Act of
106 1998, P.L. 105-220, as from time to time amended. Such
107 implementation shall include (A) developing, in consultation with the
108 regional workforce development boards, a single Connecticut

109 workforce development plan that (i) complies with the provisions of
110 said act and section 31-11p, and (ii) includes comprehensive state
111 performance measures for workforce development activities specified
112 in Title I of the federal Workforce Investment Act of 1998, P.L. 105-220,
113 as from time to time amended, which performance measures comply
114 with the requirements of 20 CFR Part 666.100, (B) preparing and
115 submitting a report on the state's progress in achieving such
116 performance measures to the Governor and the General Assembly
117 annually on January thirty-first, (C) making recommendations to the
118 General Assembly concerning the allocation of funds received by the
119 state under said act and making recommendations to the regional
120 workforce development boards concerning the use of formulas in
121 allocating such funds to adult employment and job training activities
122 and youth activities, as specified in said act, (D) providing oversight
123 and coordination of the state-wide employment statistics system
124 required by said act, (E) as appropriate, recommending to the
125 Governor that the Governor apply for workforce flexibility plans and
126 waiver authority under said act, after consultation with the regional
127 workforce development boards, (F) developing performance criteria
128 for regional workforce development boards to utilize in creating a list
129 of eligible providers, and (G) on or before December 31, 1999,
130 developing a uniform individual training accounts voucher system
131 that shall be used by the regional workforce development boards to
132 pay for training of eligible workers by eligible providers, as required
133 under said act;

134 [(6)] (5) Developing and overseeing a plan for the continuous
135 improvement of the regional workforce development boards
136 established pursuant to section 31-3k;

137 [(7)] (6) Developing incumbent worker, and vocational and
138 manpower training programs, including customized job training
139 programs to enhance the productivity of Connecticut businesses and to
140 increase the skills and earnings of underemployed and at-risk workers,
141 and other programs administered by the regional workforce

142 development boards. The Labor Department, in collaboration with the
143 regional workforce development boards, shall implement any
144 incumbent worker and customized job training programs developed
145 by the commission pursuant to this subdivision; and

146 ~~[(8)]~~ (7) Developing a strategy for providing comprehensive services
147 to eligible youths, which strategy shall include developing youth
148 preapprentice and apprentice programs through, but not limited to,
149 technical high schools, and improving linkages between academic and
150 occupational learning and other youth development activities.

151 Sec. 5. Section 31-3o of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective from passage*):

153 (a) The commission shall review and approve each annual regional
154 plan prepared pursuant to subparagraph (E) of subdivision (2) of
155 subsection (b) of section 31-3k.

156 (b) The commission shall ensure that the membership of each board
157 satisfies the representation requirements of section 31-3l and
158 regulations adopted by the commissioner under section 31-3n.

159 (c) The commission ~~[,~~ in developing the annual plan for the
160 coordination of all employment and training programs in the state
161 under section 31-3h,~~]~~ shall review and consider the annual report of
162 each board evaluating the effectiveness of employment and training
163 programs, prepared pursuant to subparagraph (G) of subdivision (2)
164 of subsection (b) of section 31-3k.

165 Sec. 6. Section 31-3q of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective from passage*):

167 All state employment and training programs shall be consistent
168 with any guidelines issued by the commissioner under subsection (b)
169 of section 31-2. ~~[and the annual plan for the coordination of all~~
170 employment and training programs in the state developed by the

171 commission and approved by the Governor under section 31-3h.]

172 Sec. 7. Subsection (f) of section 14-10 of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective from*
174 *passage*):

175 (f) The commissioner may disclose personal information from a
176 motor vehicle record to:

177 (1) Any federal, state or local government agency in carrying out its
178 functions or to any individual or entity acting on behalf of any such
179 agency, or

180 (2) Any individual, organization or entity that signs and files with
181 the commissioner, under penalty of false statement as provided in
182 section 53a-157b, a statement on a form approved by the
183 commissioner, together with such supporting documentation or
184 information as the commissioner may require, that such information
185 will be used for any of the following purposes:

186 (A) In connection with matters of motor vehicle or driver safety and
187 theft, motor vehicle emissions, motor vehicle product alterations,
188 recalls or advisories, performance monitoring of motor vehicles and
189 dealers by motor vehicle manufacturers, motor vehicle market research
190 activities including survey research, motor vehicle product and service
191 communications and removal of nonowner records from the original
192 owner records of motor vehicle manufacturers to implement the
193 provisions of the federal Automobile Information Disclosure Act, 15
194 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC
195 Chapters 301, 305 and 321 to 331, inclusive, as amended from time to
196 time, and any provision of the general statutes enacted to attain
197 compliance with said federal provisions;

198 (B) In the normal course of business by the requesting party, but
199 only to confirm the accuracy of personal information submitted by the
200 individual to the requesting party;

201 (C) In connection with any civil, criminal, administrative or arbitral
202 proceeding in any court or government agency or before any self-
203 regulatory body, including the service of process, an investigation in
204 anticipation of litigation by an attorney-at-law or any individual acting
205 on behalf of an attorney-at-law and the execution or enforcement of
206 judgments and orders, or pursuant to an order of any court provided
207 the requesting party is a party in interest to such proceeding;

208 (D) In connection with matters of motor vehicle or driver safety and
209 theft, motor vehicle emissions, motor vehicle product alterations,
210 recalls or advisories, performance monitoring of motor vehicles and
211 motor vehicle parts and dealers, producing statistical reports and
212 removal of nonowner records from the original owner records of
213 motor vehicle manufacturers, provided the personal information is not
214 published, disclosed or used to contact individuals except as permitted
215 under subparagraph (A) of this subdivision;

216 (E) By any insurer or insurance support organization or by a self-
217 insured entity or its agents, employees or contractors, in connection
218 with the investigation of claims arising under insurance policies,
219 antifraud activities, rating or underwriting;

220 (F) In providing any notice required by law to owners or lienholders
221 named in the certificate of title of towed, abandoned or impounded
222 motor vehicles;

223 (G) By an employer or its agent or insurer to obtain or verify
224 information relating to a holder of a passenger endorsement or
225 commercial driver's license required under 49 USC Chapter 313, and
226 sections 14-44 to 14-44m, inclusive;

227 (H) In connection with any lawful purpose of a labor organization,
228 [as defined in section 31-77,] provided (i) such organization has
229 entered into a contract with the commissioner, on such terms and
230 conditions as the commissioner may require, and (ii) the information
231 will be used only for the purposes specified in the contract other than

232 campaign or political purposes. For purposes of this section, "labor
233 organization" means any organization or association or any agency or
234 employee representation committee or plan that exists for the purpose,
235 in whole or part, of dealing with employers concerning grievances,
236 labor disputes, wages, rates of pay, hours of employment or conditions
237 of work, or any federation or council located in this state representing
238 any group of such labor organizations;

239 (I) For bulk distribution for surveys, marketing or solicitations
240 provided the commissioner has obtained the express consent of the
241 individual to whom such personal information pertains;

242 (J) For the purpose of preventing fraud by verifying the accuracy of
243 personal information contained in a motor vehicle record, including an
244 individual's photograph or computerized image, as submitted by an
245 individual to a legitimate business or an agent, employee or contractor
246 of a legitimate business, provided the individual has provided express
247 consent in accordance with subdivision (5) of subsection (a) of this
248 section;

249 (K) Inclusion of personal information about persons who have
250 indicated consent to become organ and tissue donors in a donor
251 registry established by a procurement organization, as defined in
252 section 19a-289a;

253 (L) By any private detective or private detective licensed in
254 accordance with the provisions of chapter 534, in connection with an
255 investigation involving matters concerning motor vehicles; and

256 (M) By a state marshal, for use in the performance of duties under
257 the provisions of section 6-38a. Such information may be requested by
258 facsimile transmission, or by such other means as the commissioner
259 may require, and shall be provided by facsimile transmission, or by
260 such other means, within a reasonable time.

261 Sec. 8. Subsection (b) of section 31-60 of the 2014 supplement to the

262 general statutes is repealed and the following is substituted in lieu
263 thereof (*Effective from passage*):

264 (b) The Labor Commissioner shall adopt such regulations, in
265 accordance with the provisions of chapter 54, as may be appropriate to
266 carry out the purposes of this part. Such regulations may include, but
267 are not limited to, regulations defining and governing an executive,
268 administrative or professional employee and outside salesperson;
269 learners and apprentices, their number, proportion and length of
270 service; and piece rates in relation to time rates; and shall recognize, as
271 part of the minimum fair wage, gratuities in an amount (1) equal to
272 twenty-nine and three-tenths per cent, and effective January 1, 2009,
273 equal to thirty-one per cent of the minimum fair wage per hour, and
274 effective January 1, 2014, equal to thirty-four and six-tenths per cent of
275 the minimum fair wage per hour, and effective January 1, 2015, equal
276 to thirty-six and eight-tenths per cent of the minimum fair wage per
277 hour for persons, other than bartenders, who are employed in the hotel
278 and restaurant industry, including a hotel restaurant, who customarily
279 and regularly receive gratuities, (2) equal to eight and two-tenths per
280 cent, and effective January 1, 2009, equal to eleven per cent of the
281 minimum fair wage per hour, and effective January 1, 2014, equal to
282 fifteen and six-tenths per cent of the minimum fair wage per hour, and
283 effective January 1, 2015, equal to eighteen and one-half per cent of the
284 minimum fair wage per hour for persons employed as bartenders who
285 customarily and regularly receive gratuities, and (3) not to exceed
286 thirty-five cents per hour in any other industry, and shall also
287 recognize deductions and allowances for the value of board, in the
288 amount of eighty-five cents for a full meal and forty-five cents for a
289 light meal, lodging, apparel or other items or services supplied by the
290 employer; and other special conditions or circumstances which may be
291 usual in a particular employer-employee relationship. The
292 commissioner may provide, in such regulations, modifications of the
293 minimum fair wage herein established for learners and apprentices;
294 persons under the age of eighteen years; and for such special cases or

295 classes of cases as the commissioner finds appropriate to prevent
296 curtailment of employment opportunities, avoid undue hardship and
297 safeguard the minimum fair wage herein established. Regulations in
298 effect on July 1, 1973, providing for a board deduction and allowance
299 in an amount differing from that provided in this section shall be
300 construed to be amended consistent with this section.

301 Sec. 9. Section 31-223 of the 2014 supplement to the general statutes
302 is repealed and the following is substituted in lieu thereof (*Effective*
303 *from passage*):

304 (a) Every employer who was subject to this chapter immediately
305 prior to January 1, 1980, shall continue to be so subject. An employer
306 not previously subject to this chapter shall become subject to this
307 chapter as follows: (1) An employer subject to the Federal
308 Unemployment Tax Act for any year shall be subject to the provisions
309 of this chapter from the beginning of such year if he had one or more
310 employees in his employment in the state of Connecticut in such year;
311 (2) an employer who acquires substantially all of the assets,
312 organization, trade or business of another employer who at the time of
313 such acquisition was subject to this chapter shall immediately become
314 subject to this chapter as a successor employer; (3) an employer who,
315 after December 31, 1973, (A) in any calendar quarter in either the
316 current or preceding calendar year paid wages for services in
317 employment of one thousand five hundred dollars or more, or (B) for
318 some portion of a day in each of twenty different calendar weeks,
319 whether or not such weeks were consecutive, in either the current or
320 the preceding calendar year, had in employment at least one
321 individual irrespective of whether the same individual was in
322 employment in each such day; (4) an employer for which service in
323 employment as defined in subdivision (1) (C) of subsection (a) of
324 section 31-222 is performed after December 31, 1971; (5) an employer
325 for which service in employment as defined in subdivision (1) (D) of
326 said subsection (a) is performed after December 31, 1971; (6) an
327 employer which, together with one or more other employers, is owned

328 or controlled, by legally enforceable means or otherwise, directly or
329 indirectly by the same interests, or which owns or controls, by legally
330 enforceable means or otherwise, one or more other employers, and
331 which, if treated as a single unit or entity with such other employers or
332 interests, or both, would be an employer under subdivision (3) of this
333 subsection and subparagraphs (H) and (J) of subdivision (1) of
334 subsection (a) of section 31-222; (7) any employer, not defined as such
335 by any other subdivision of this subsection, (A) for which, within
336 either the current or preceding calendar year, service is or was
337 performed with respect to which such employer is liable for any
338 federal tax against which credit may be taken for contributions
339 required to be paid into a state unemployment fund, or (B) which, as a
340 condition for approval of this chapter for full tax credit against the tax
341 imposed by the federal Unemployment Tax Act, is required, pursuant
342 to such federal act, to be an "employer" under this chapter; (8) an
343 employer which, having become an employer under any of
344 subdivisions (1) to (7), inclusive, of this subsection, has not, under
345 subsection (c) ceased to be an employer subject to this chapter; (9) for
346 the effective period of its election pursuant to subsection (b), an
347 employer which has elected to become subject to this chapter. In
348 determining whether an employer in question shall be considered, for
349 the purposes of this section, as having had a particular number of
350 employees in his employment at a given time, there shall be counted,
351 in addition to his own employees, if any, (A) the employees of each
352 employer whose business was at the given time owned or controlled,
353 directly or indirectly, by the same interests which owned or controlled
354 the business of the employer in question, and (B) the employees of
355 each employer, substantially all of whose assets, organization, trade or
356 business has, after the given time during the same calendar year, been
357 acquired by the employer in question. If an employer shall contract
358 with or shall have under him any contractor or subcontractor for any
359 work which is part of said employer's usual trade, occupation,
360 profession or business, and which is performed in, on or about the
361 premises under such employer's control, and if such contractor or

362 subcontractor shall not be subject to this chapter, such employer shall,
363 for all the purposes of this chapter, be deemed to employ each
364 individual in the employ of such contractor or subcontractor for each
365 day during which such individual is engaged solely in performing
366 such work; but this provision shall not prevent such employer from
367 recovering from such contractor or subcontractor the amount of any
368 contributions he may be required by this chapter to pay with respect to
369 wages of such individuals for such work.

370 (b) Any employer not so subject to this chapter may accept the
371 provisions of this chapter and become in all respects subject thereto by
372 agreeing in writing filed with the administrator to pay the
373 contributions required from employers subject to this chapter. Any
374 employer with persons in his employ engaged in one or more of the
375 types of service specified in subdivision (5) of subsection (a) of section
376 31-222, except the service described by subparagraph (A) thereof, may
377 elect that the provisions of this chapter apply to such services by
378 agreeing in writing filed with the administrator to pay the
379 contributions on wages for such services. Any employer defined in
380 subdivision (1) (D) or (E) of subsection (a) of section 31-222 or (5) (F) or
381 (L) of said section may elect either to pay the contributions on wages
382 for services or to finance benefits on a reimbursable basis, by paying
383 into the Unemployment Compensation Fund an amount equivalent to
384 the amount of benefits paid out to claimants who during the applicable
385 period were paid wages by the employer concerned, said election to be
386 made in writing to the administrator in accordance with the provisions
387 of subsection (g) of section 31-225. Any employer may revoke
388 acceptance of voluntary liability at the end of any calendar year
389 following the calendar year in which he made such acceptance if he
390 gives written notice to the administrator, accompanied by proof
391 satisfactory to the administrator that he has paid all contributions due
392 under the provisions of this chapter and that he has notified his
393 employees of his intention to revoke such acceptance; such application
394 to revoke acceptance shall be submitted within thirty days after the

395 end of a calendar year and the administrator shall render his decision
396 on such application within sixty days after submission thereof and
397 such revocation of acceptance shall be effective on the thirty-first day
398 of December next preceding the giving of written notice from the
399 administrator to the employer that he is satisfied with such proofs.

400 (c) An employer may cease to be subject to this chapter at the end of
401 any calendar year following the calendar year in which he became
402 subject to this chapter if he gives written notice to the administrator,
403 accompanied by proof satisfactory to the administrator that he has not
404 employed one employee for at least thirteen weeks during the next-
405 preceding fifteen months, that he is not subject to the Federal
406 Unemployment Tax Act, and that he has notified his employees of his
407 intention to cease to be subject to this chapter; such application for
408 release shall be submitted within thirty days after the end of a calendar
409 year and the administrator shall render his decision on such
410 application within sixty days after submission thereof and the
411 employer shall cease to be subject to this chapter on the thirty-first day
412 of December next preceding the giving of written notice from the
413 administrator to the employer that he is satisfied with such proofs. The
414 administrator shall waive the requirement for an application for
415 release whenever it shall appear that the employer was unable to
416 comply with such requirement for the reason that, at the time when he
417 had qualified for release from liability under the provisions of this
418 chapter, he was in good faith not aware of the fact that he was subject
419 to the provisions of this chapter. An employer who discontinues his
420 business and enters the armed forces of the United States shall cease
421 immediately to be subject to this chapter.

422 (d) For the purposes of subdivisions (5) and (7) of subsection (a) of
423 this section, employment shall include service which would constitute
424 employment but for the fact that such service is deemed to be
425 performed entirely within another state pursuant to an election under
426 an arrangement entered into with such state by the administrator and
427 an agency charged with the administration of any other state or federal

428 unemployment compensation law.

429 (e) For the purposes of subdivisions (3)(B) and (5) of subsection (a)
430 of this section, in respect to any week including both December thirty-
431 first and January first, the days of that week to and including
432 December thirty-first shall be deemed one calendar week, and the days
433 beginning and including January first another such week.

434 (f) Any employer not previously subject to this chapter, that
435 becomes subject to this chapter pursuant to subsection (a) or (b) of this
436 section, shall provide electronic notice of the same to the administrator,
437 in a manner prescribed by the administrator, not later than thirty days
438 after becoming subject to this chapter.

439 (g) Any employer acquiring substantially all of the assets,
440 organization, trade or business of another employer subject to this
441 chapter shall provide electronic notice of such acquisition to the
442 administrator, in a manner prescribed by the administrator, not later
443 than thirty days after such acquisition. For purposes of this subsection,
444 trade or business includes an employer's employees.

445 (h) Any employer that fails to provide electronic notice as required
446 by subsections (f) and (g) of this section shall be liable to the
447 administrator for a civil penalty of fifty dollars for each violation.

448 Sec. 10. Section 31-254 of the 2014 supplement to the general statutes
449 is repealed and the following is substituted in lieu thereof (*Effective*
450 *from passage*):

451 (a) (1) Each employer, whether or not otherwise subject to this
452 chapter, shall keep accurate records of employment as defined in
453 subsection (a) of section 31-222, containing such information as the
454 administrator may by regulation prescribe in order to effectuate the
455 purposes of this chapter. Such records shall be open to, and available
456 for, inspection and copying by the administrator or his authorized
457 representatives at any reasonable time and as often as may be

458 necessary. The administrator may require from any employer, whether
459 or not otherwise subject to this chapter, any sworn or unsworn reports
460 with respect to persons employed by him which are necessary for the
461 effective administration of this chapter. Except as provided in
462 subdivision (2) of this subsection and subsection (g) of this section,
463 information obtained shall not be published or be open to public
464 inspection, other than to public employees in the performance of their
465 public duties, in any manner revealing the employee's or the
466 employer's identity, but any claimant at a hearing before a
467 commissioner shall be supplied with information from such records to
468 the extent necessary for the proper presentation of his claim. Any
469 employee of the administrator, or any other public employee, who
470 violates any provision of this section shall be fined not more than two
471 hundred dollars or imprisoned not more than six months or both and
472 shall be dismissed from the service. Reports or records which have
473 been required by the administrator and which have been used in
474 computing benefit rights of claimants or in the determination of the
475 amounts and rates of contributions shall be preserved by the
476 administrator for a period of at least four years. Those records or
477 reports required by the administrator which have not been used for the
478 purpose of computing benefit rights or in the determination of the
479 amounts or rates of contributions shall be preserved by the
480 administrator for at least two and one-half years. Such records or
481 reports may, after preservation for the minimum period required by
482 this section, be destroyed by the administrator in his discretion,
483 notwithstanding the provisions of section 11-8a. Notwithstanding any
484 of the disclosure provisions of this chapter, the administrator shall
485 provide upon request of the public agency administering the TANF
486 and child support programs, any information in his possession relating
487 to individuals: (A) Who are receiving, have received, or have applied
488 for unemployment insurance; (B) the amount of benefits being
489 received; (C) the current home address of such individuals; and (D)
490 whether any offer of work has been refused and, if so, a description of
491 the job and the terms, conditions, and rate of pay therefor.

492 Notwithstanding any of the disclosure provisions of this chapter, the
493 administrator shall provide, upon request of the Connecticut Student
494 Loan Foundation, its officers or employees, any information in his
495 possession relating to the current residence address or place of
496 employment of any individual who has been determined by the
497 Connecticut Student Loan Foundation to be in default on his student
498 loan. Reimbursement for the cost of furnishing this information shall
499 be made by the agency requesting the data in a manner prescribed by
500 the administrator of this chapter.

501 (2) Any authorized user of the CTWorks Business System shall have
502 access to any information required to be entered into such system by
503 the federal Trade Adjustment Assistance program, established by the
504 Trade Act of 1974, as amended by 19 USC 2271 et seq., provided the
505 user enters into a written agreement with the administrator
506 establishing safeguards to protect the confidentiality of any
507 information disclosed to such user. Each authorized user shall
508 reimburse the administrator for all costs incurred by the administrator
509 in disclosing information to such user. Information contained in the
510 system shall not be disclosed or redisclosed to any unauthorized user,
511 except that aggregate reports from which individual data cannot be
512 identified may be disclosed. Any person who violates any provision of
513 this subdivision shall be fined not more than two hundred dollars or
514 imprisoned not more than six months, or both, and shall be prohibited
515 from any further access to information in the system.

516 (b) The Labor Department shall administer a state directory of new
517 hires in accordance with this section. Not later than twenty days after
518 the date of employment, each employer maintaining an office or
519 transacting business in this state shall report the name, address and
520 Social Security number of each new employee employed in this state to
521 the Labor Department by forwarding to said department a copy of the
522 Connecticut income tax withholding or exemption certificate
523 completed by such employee or by any other means consistent with
524 regulations the Labor Commissioner may adopt in accordance with

525 chapter 54, except that employers reporting magnetically or
526 electronically shall report new employees, if any, at least twice per
527 month by transmissions not less than twelve nor more than sixteen
528 days apart. Each such report shall indicate the name, address and state
529 and federal tax registration or identification numbers of the employer.
530 Such information shall be transmitted in a format prescribed by the
531 Labor Commissioner. Such information shall be entered by the Labor
532 Department in the state directory of new hires within five business
533 days of receipt and may be used by the Labor Commissioner in
534 accordance with his powers and duties but shall be confidential and
535 shall not be disclosed except as provided in subsections (d) and (e) of
536 this section and subsection (b) of section 31-254a.

537 (c) (1) For the purposes of this section, "employer" does not include
538 any department, agency or instrumentality of the United States; or any
539 state agency performing intelligence or counterintelligence functions, if
540 the head of such agency has determined that reporting pursuant to this
541 section with respect to the employee could endanger the safety of the
542 employee or compromise an ongoing investigation or intelligence
543 mission. For the purposes of subsections (b) to (e), inclusive, of this
544 section, the terms "employer" and "employee" shall include persons
545 engaged in the acquisition and rendition, respectively, of independent
546 contractual services, provided the expected value of such services for
547 the calendar year next succeeding the effective date of the contract for
548 such services, is at least five thousand dollars.

549 (2) An employer that has employees who are employed in this state
550 and one or more other states and that transmits reports magnetically or
551 electronically shall not be required to report to this state if such
552 employer has designated another state in which it has employees to
553 which it will transmit reports, provided such employer has notified the
554 Labor Commissioner, in writing, as to which other state it has
555 designated for the purpose of sending such reports.

556 (d) On a daily basis, in IV-D support cases, as defined in section

557 46b-231, the Department of Social Services shall compile a list of all
558 individuals who are the subject of a child support investigation or
559 action being undertaken by the IV-D agency, as defined in section 46b-
560 231, and shall transmit such list to the Labor Department. The Labor
561 Department shall promptly identify any new employee who is such an
562 individual and said department shall transmit to the Department of
563 Social Services the name, address and Social Security number of each
564 new employee and the name, address and state and federal tax
565 registration or identification numbers of the employer. The IV-D
566 agency shall use such information to locate individuals for purposes of
567 establishing paternity and establishing, modifying and enforcing child
568 or medical support orders, and may disclose such information to any
569 agent of such agency that is under contract to carry out such purposes.
570 The Labor Commissioner shall require that confidentiality safeguards
571 be part of the contracting agency's agreement with the Department of
572 Social Services.

573 (e) [On a biweekly basis, the Department of Social Services shall
574 compile a list of individuals who are receiving public assistance under
575 the temporary assistance for needy families, Medicaid, supplemental
576 nutrition assistance, state supplement and state-administered general
577 assistance programs and shall transmit such list to the Labor
578 Department. The Labor Department shall promptly identify any new
579 employee who is such an individual and said department shall
580 transmit to the Department of Social Services the name, address and
581 Social Security number of each such new employee and the name,
582 address and state and federal tax registration or identification numbers
583 of the employer] Upon execution of a memorandum of understanding
584 between the Department of Social Services, the Labor Department and
585 Access Health CT, and upon the request of the Department of Social
586 Services and Access Health CT, the Labor Department shall furnish
587 wage and claim information contained in the records required and
588 maintained by the Labor Commissioner to the Department of Social
589 Services, Access Health CT and agents of Access Health CT to assist

590 the Department of Social Services, Access Health CT and agents of
591 Access Health CT in the determination of eligibility for public
592 assistance under the temporary assistance for needy families,
593 Medicaid, food stamps, supplemental security income, state
594 supplement and state-administered general assistance programs. The
595 Labor Commissioner shall require that confidentiality safeguards be
596 included in the memorandum of understanding entered into between
597 the Department of Social Services, the Labor Department and Access
598 Health CT.

599 (f) The Department of Social Services and Access Health CT shall
600 reimburse the Labor Department for any costs included in carrying out
601 the provisions of this section, including the cost of providing a toll-free
602 facsimile number for employers required to report pursuant to
603 subsection (b) of this section and section 31-254a. The Commissioner of
604 Social Services, [and] the Labor Commissioner and the Chief Executive
605 Officer of Access Health CT shall enter into [a] separate purchase of
606 service [agreement] agreements which [establishes] establish
607 procedures necessary for the administration of subsections (b) to (f),
608 inclusive, of this section.

609 (g) (1) Notwithstanding any of the information disclosure
610 provisions of this section, the administrator shall disclose information
611 obtained pursuant to subsection (a) of this section to: (A) A regional
612 workforce development board, established pursuant to section 31-3k,
613 to the extent necessary for the effective administration of the federal
614 Trade Adjustment Assistance Program of the Trade Act of 1974, as
615 amended from time to time, the federal Workforce Investment Act, as
616 amended from time to time, and the state employment services
617 program established pursuant to section 17b-688c for recipients of
618 temporary family assistance, provided a regional workforce
619 development board, enters into a written agreement with the
620 administrator, pursuant to subdivision (2) of this subsection,
621 concerning protection of the confidentiality of such information prior
622 to the receipt of any such information; (B) a nonpublic entity that is

623 under contract with the administrator where necessary for the effective
624 administration of this chapter or with the United States Department of
625 Labor to administer grants which are beneficial to the interests of the
626 administrator, provided such nonpublic entity enters into a written
627 agreement with the administrator, pursuant to subdivision (2) of this
628 subsection, concerning protection of the confidentiality of such
629 information prior to the receipt of any such information; (C) the
630 president of the Board of Regents for Higher Education, appointed
631 under section 10a-1a, for use in the performance of such president's
632 official duties to the extent necessary for evaluating programs at
633 institutions of higher education governed by said board pursuant to
634 section 10a-1a, provided such president enters into a written
635 agreement with the administrator, pursuant to subdivision (2) of this
636 subsection, concerning protection of the confidentiality of such
637 information prior to the receipt of any such information; or (D) a third
638 party pursuant to written, informed consent of the individual or
639 employer to whom the information pertains.

640 (2) Any written agreement shall contain safeguards as are necessary
641 to protect the confidentiality of the information being disclosed,
642 including, but not limited to a:

643 (A) Statement from the regional workforce development board,
644 nonpublic entity, or president of the Board of Regents for Higher
645 Education, as appropriate, of the purposes for the requested
646 information and the specific use intended for the information;

647 (B) Statement from the regional workforce development board,
648 nonpublic entity, or president of the Board of Regents for Higher
649 Education, as appropriate, that the disclosed information shall only be
650 used for such purposes as are permitted by this subsection and
651 consistent with the written agreement;

652 (C) Requirement that the regional workforce development board,
653 nonpublic entity, or president of the Board of Regents for Higher

654 Education, as appropriate, store the disclosed information in a location
655 that is physically secure from access by unauthorized persons;

656 (D) Requirement that the regional workforce development board,
657 nonpublic entity, or president of the Board of Regents for Higher
658 Education, as appropriate, store and process the disclosed information
659 maintained in an electronic format in such a way that ensures that
660 unauthorized persons cannot obtain the information by any means;

661 (E) Requirement that the regional workforce development board,
662 nonpublic entity, or president of the Board of Regents for Higher
663 Education, as appropriate, establish safeguards to ensure that only
664 authorized persons, including any authorized agent of the board,
665 nonpublic entity, or president of the Board of Regents for Higher
666 Education, are permitted access to disclosed information stored in
667 computer systems;

668 (F) Requirement that the regional workforce development board,
669 nonpublic entity, or president of the Board of Regents for Higher
670 Education, as appropriate, enter into a written agreement, that has
671 been approved by the administrator, with any authorized agent of the
672 board, nonpublic entity, or president of the Board of Regents for
673 Higher Education, which agreement shall contain the requisite
674 safeguards contained in the written agreement between the board,
675 nonpublic entity, or president of the Board of Regents for Higher
676 Education and the administrator;

677 (G) Requirement that the regional workforce development board,
678 nonpublic entity, or president of the Board of Regents for Higher
679 Education, as appropriate, instruct all persons having access to the
680 disclosed information about the sanctions specified in this section, and
681 further require each employee of such board, nonpublic entity, or
682 president of the Board of Regents for Higher Education, and any agent
683 of such board, nonpublic entity, or president of the Board of Regents
684 for Higher Education, authorized to review such information, to sign

685 an acknowledgment that such employee or such agent has been
686 advised of such sanctions;

687 (H) Statement that redisclosure of confidential information is
688 prohibited, except with the written approval of the administrator;

689 (I) Requirement that the regional workforce development board,
690 nonpublic entity, or president of the Board of Regents for Higher
691 Education, as appropriate, dispose of information disclosed or
692 obtained under this subsection, including any copies of such
693 information made by the board, nonpublic entity, or president of the
694 Board of Regents for Higher Education, after the purpose for which the
695 information is disclosed has been served, either by returning the
696 information to the administrator, or by verifying to the administrator
697 that the information has been destroyed;

698 (J) Statement that the regional workforce development board,
699 nonpublic entity, or president of the Board of Regents for Higher
700 Education, as appropriate, shall permit representatives of the
701 administrator to conduct periodic audits, including on-site inspections,
702 for the purpose of reviewing such board's, nonpublic entity's, or
703 president of the Board of Regents for Higher Education's adherence to
704 the confidentiality and security provisions of the written agreement;
705 and

706 (K) Statement that the regional workforce development board,
707 nonpublic entity, or president of the Board of Regents for Higher
708 Education, as appropriate, shall reimburse the administrator for all
709 costs incurred by the administrator in making the requested
710 information available and in conducting periodic audits of the board's,
711 nonpublic entity's, or president of the Board of Regents for Higher
712 Education's procedures in safeguarding the information.

713 (3) Any employee or agent of a regional workforce development
714 board, nonpublic entity, or president of the Board of Regents for
715 Higher Education, as appropriate, who discloses any confidential

716 information in violation of this section and the written agreement,
 717 entered into pursuant to subdivision (2) of this subsection, shall be
 718 fined not more than two hundred dollars or imprisoned not more than
 719 six months, or both, and shall be prohibited from any further access to
 720 confidential information.

721 Sec. 11. Section 31-11q of the general statutes is repealed and the
 722 following is substituted in lieu thereof (*Effective from passage*):

723 On or before October 15, 1999, the Connecticut Employment and
 724 Training Commission shall submit to the joint standing committees of
 725 the General Assembly having cognizance of matters relating to
 726 appropriations, education, labor and social services the comprehensive
 727 state performance measures developed by said commission in
 728 accordance with the provisions of subdivision [(5)] (4) of subsection (b)
 729 of section 31-3h for activities specified in Title I of the federal
 730 Workforce Investment Act of 1998, P.L. 105-220, as from time to time
 731 amended, and annually thereafter during any year in which such
 732 performance measures are modified.

733 Sec. 12. Sections 4-124uu and 31-77 of the general statutes are
 734 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4-66e
Sec. 3	<i>from passage</i>	31-2d
Sec. 4	<i>from passage</i>	31-3h(b)
Sec. 5	<i>from passage</i>	31-3o
Sec. 6	<i>from passage</i>	31-3q
Sec. 7	<i>from passage</i>	14-10(f)
Sec. 8	<i>from passage</i>	31-60(b)
Sec. 9	<i>from passage</i>	31-223
Sec. 10	<i>from passage</i>	31-254
Sec. 11	<i>from passage</i>	31-11q

Sec. 12	<i>from passage</i>	Repealer section
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Statement of Purpose:

To make technical amendments to the Labor Department statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]